APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,414	11/10/1999	ALEKSANDER SZLAM	031041.0091	7944

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EXAMINER
HOOSAIN, ALLAN

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 04/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

		Application No.	Applicant(s)	
		09/437,414	SZLAM ET AL.	
Office Action Summary		Examiner	Art Unit	
		Allan Hoosain	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Pre-Amendment A, 7/11/00* .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
      closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *93-101* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *93-101* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 November 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____ .

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

Specification

1.   The disclosure is objected to because of the following informalities: Pre-Amendment A

authorizes cancellation of Claims 1-92. However, the Specification only has Claims 1-88.

Appropriate correction is required by Applicants submitting an amendment to add Claims 89-92

in the Specification. .

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) do not apply to the examination of this application as the application being examined

was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment

by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 93-101 are rejected under 35 U.S.C. 102(e) as being anticipated by **Oliphant et al**.

(US 4,881,261).

As to Claim 93, with respect to Figure 1 and Appendix A, **Oliphant** teaches a method for

managing communications, comprising:

    processing inbound communications (Col. 7, lines 13-18 and Appendix A, Labels NQ

and NA);

    processing outbound communications (Col. 7, lines 13-18, Col. 13, lines 7-10 and

Appendix A, label NS);

    obtaining a statistic, P(NS), on said outbound communications (Appendix A, Equations

13 and 14); and

    adjusting said processing of said inbound communications based on said statistic

(Appendix A, Equations 11 and 12).

As to Claim 94, **Oliphant** teaches the method of claim 93, wherein said step of processing

inbound communications comprises connecting said inbound communications to agents (Col. 7,

lines 13-18); and

    said step of adjusting said processing comprises reducing the number of said inbound

communications which are connected to said agents if said statistic exceeds a predetermined

value (Appendix A, Equation 12);

As to Claim 95, **Oliphant** teaches the method of claim 93, wherein said step of processing

inbound communications comprises connecting said inbound communications to agents (Col. 7,

lines 13-18);

said step of obtaining a statistic on said outbound communications comprises obtaining

information on the duration of said outbound communications (Col. 14, Appendix A, labels S

and R), and

said step of adjusting said processing comprises reducing the number of said inbound

communications which are connected to said agents if said duration exceeds a predetermined

value (Appendix A, Equation 11).

As to Claims 96-97, with respect to Figure 1 and Appendix A, **Oliphant** teaches a method for

managing communications, comprising:

processing inbound communications (Col. 7, lines 13-18 and Appendix A, labels NA and

NQ);

processing outbound communicatons (Col. 7, lines 13-18 and Appendix A, label NS);

obtaining a statistic, DMAX, on said inbound communications (Col. 14, Appendix A);

and

adjusting said processing of said outbound communications based upon said statistic

(Col. 15, Claim 1, lines 47-53).

As to Claim 98, **Oliphant** teaches the method of claim 96 wherein said step of processing

outbound communications comprises initiating said outbound communications,

said step of obtaining a statistic on said inbound communications comprises obtaining

information on the duration of said inbound communications, and

said step of adjusting said processing comprises reducing the number of said outbound communications which are initiated if said duration exceeds a predetermined value.

As to Claim 99, with respect to Figure 1 and Appendix A, **Oliphant** teaches a method for managing communications, comprising:

providing for the processing of inbound communications (Col. 7, lines 13-18 and Appendix A, Labels NA and NQ):

providing for the processing of outbound communications (Col. 7, lines 13-18 and Appendix A, label NS);

obtaining a statistic, DMAX, on said inbound communications (Appendix A, [DMAX]); and

providing for adjusting said processing of said outbound communications based upon said statistic (Col. 15, Claim 1, lines 47-53).

As to Claim 100, **Oliphant** teaches the method of claim 99 wherein said step of providing for the processing of outbound communications comprises

initiating said outbound communications (Col. 15, Claim 1, lines 52-53), and

said step of providing for adjusting said processing comprises reducing the number of said outbound communications which are initiated if said statistic exceeds a predetermined value (Col. 15, Claim 1, lines 47-53).

As to Claim 101, **Oliphant** teaches the method of claim 99 wherein said step of providing for the processing of outbound communications comprises

initiating said outbound communications (Col. 15, lines 53-54),

said step of obtaining a statistic comprises obtaining information on the duration of said inbound communications (Col. 14, lines 66-67), and

said step of providing for adjusting said processing comprises reducing the number of said outbound communications which are initiated if said duration exceeds a predetermined value (Col. 15, lines 47-51 and Col. 16, lines 10-13).

Recommendation:

The claims recite a "managing" method. However, the disclosure does not mention nor describe "managing" literally. Examiner believes that the disclosure does support the concept of managing communications. Therefore, Examiner respectfully invites Applicants to amend the disclosure to literally include the term "managing". The amendment, if made, would not be considered new matter and would be entered.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Costello et al. (US 4,510,351) teach a call routing system which manages calls in real-time.

Pitroda et al. (US 4,289,934) teaches a control system which dynamically manages PBX and ACD trunks.

Art Unit: 2645

5. Any response to this action should be mailed to:

> Commissioner of Patents and Trademarks
> Washington, D.C. 20231
> **or faxed to:**
>
> (703) 872-9314, (for formal communications intended for entry)
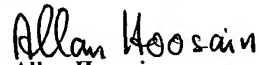
Or:

> (703) 306-0377 (for customer service assistance)
>
> Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
> Arlington. VA., Sixth Floor (Receptionist).

     Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 7 am to 5:30 pm.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

     Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Allan Hoosain
Primary Examiner
3/22/02